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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,790

11/12/2003

Azad Al-Najjar

Strom.7342

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55740 7590 04/27/2007  
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EXAMINER

WILLSE, DAVID H

ART UNIT

PAPER NUMBER

3738

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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**Office Action Summary**

Application No.

10/706,790

Applicant(s)

AL-NAJJAR, AZAD

Examiner

Dave Willse

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3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on February 20, 2007, is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

A certified copy of Swedish patent application no. 0101259-0 has *not* been received.

The abstract of the disclosure is objected to because on line 7, “is” should be deleted or replaced by --are--; on line 8, “the” should be replaced by --a--, and “compartments” should be replaced by --compartment--; on line 9, “layer” should be replaced by --layers--. Correction is required (MPEP § 608.01(b)).

The disclosure is objected to because of the following informalities: The continuation data regarding application PCT/SE02/00689 has not been inserted at the beginning of the specification. Attention is directed to MPEP § 1895.01 and the Applicant’s own application transmittal papers filed on November 12, 2003. The substitute specification *has* been entered but contains several grammatical and spelling errors. On page 7 of said substitute specification, line 20, “problem,” should be replaced by --problems-- (with no comma); on lines 25-26, “-s” (all three occurrences) should be replaced by --’s --; on line 30, a comma should follow “semi-rigid”. On page 8, line 12, “construed” should apparently be replaced by --constructed--; on line 21, “7” should be replaced by --2--. On page 9, line 29, “through” is misspelled. On page 11, line 20, “construed” should apparently read --constructed--; on line 21, “has” should be replaced by --have--. On page 12, line 22, “fulfills” is misspelled; on line 27, “vale prosthesis” should be replaced by --valve prostheses--. On page 13, line 2, “where” is misspelled; on line 21, “31”, second occurrence, should be replaced by --37--; on line 22, “it” should be deleted. On page 14, line 9, “30” should be replaced by --31--; on line 17, the last word is not believed to exist in the English language; on line 32, “prosthesis” should be replaced by --prostheses--; on line 35, “diastole” is misspelled. On page 15, line 5, “diastole” is misspelled; on line 9, “cease” should

be replaced by --ceases--; on line 10, "retains" should apparently be replaced by --return--.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 7, the first comma should be replaced with --and--; on line 11, it is unclear as to whether the "compartments" are elements of the "at least two compartments" (claim 1, line 4) or are *additional* compartments; on line 12, "the atriums" (plural) lacks a proper antecedent basis. In claim 2, line 1, "it" is vague and indefinite. In claim 6, line 1, "it" is vague and indefinite; on line 2, it is recommended that "a", first occurrence, be deleted and that on lines 2-3, "in a diastole, atrium systole, and systole phase, respectively" be replaced by --for diastole, atrial systole, and systole--. In claim 7, line 1, "it" is vague and indefinite.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is 571-272-4762 and who is generally available Monday through Thursday and often on Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**Dave Willse**  
**Primary Examiner**  
**Art Unit 3738**